



Mayor and Common Council Borough of Flemington

June 28, 2021

Council Meeting Room and Online

Call to Order (6:30 PM)

Executive Session (6:30 PM)

1. RESOLUTION 2021-137: EXECUTIVE SESSION TO OBTAIN LEGAL ADVICE REGARDING RENEWAL OF THE COMCAST CABLE FRANCHISE

Regular Meeting (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Betsy Driver	Mayor
Caitlin Giles-McCormick	Council President
Jessica Hand	Council Member
Malik Johnston	Council Member
Jeremy Long	Council Vice President
Christopher Runion	Council Member
Kimberly Tilly	Council Member

I. Mayor's Report

1. GOOD CITIZENS AWARD: MEMBERS OF GIRL SCOUT TROOP 80531

II. Council Members' Reports

III. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)

IV. Approval of Minutes

Motion To: **Approve Minutes: June 14, 2021 Regular Council Meeting**

Motion To: **Approve Minutes: June 14, 2021 Executive Session**

Consent Agenda

1. RESOLUTION 2021-138: SUPPORTING THE APPLICATION OF THE HUNTERDON COUNTY CHAMBER OF COMMERCE FOUNDATION, SEEKING GRANT FUNDING FOR THE COMMUNITY NAVIGATOR PILOT PROGRAM
 2. RESOLUTION 2021-139: APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE HUNTERDON COUNTY VOCATIONAL SCHOOL DISTRICT FOR A HEAVY EQUIPMENT PROGRAM
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3. RESOLUTION 2021-140: DECLARING JUNETEENTH A FLEMINGTON BOROUGH HOLIDAY
4. RESOLUTION 2021-141: AUTHORIZING FLEMINGTON'S CONTINUED PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR CERTAIN MULTI-FAMILY DWELLINGS FOR THE PERIOD OF JULY 1, 2021, THROUGH JUNE 30, 2022

Regular Agenda

1. ORDINANCE 2021-15: SECOND READING: AN ORDINANCE AMENDING SECTION 2629 OF THE CODE OF THE BOROUGH OF FLEMINGTON REGARDING PARKING IN THE DOWNTOWN BUSINESS (DB) DISTRICT
2. ORDINANCE 2021-16: FIRST READING: AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF FLEMINGTON ENTITLED "COLLECTION OF SOLID WASTE"

V. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

VI. Attorney's Report

VII. Payment of the Bills

Motion To: **Pay the Bills**

VIII. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

IX. Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3528

SCHEDULED

AGENDA ITEM 2021-5

Good Citizens Award: Members of Girl Scout Troop 80531

WHEREAS, throughout this past school year members of Girl Scout Troop 80531 pursued a project to help members of the community affected by the COVID-19 pandemic; and

WHEREAS, the Scouts worked online, focusing their efforts on food insecurity; and

WHEREAS, the Troop members, all fifth-graders at Reading-Fleming Intermediate School, created a tiny food pantry; and

WHEREAS, the Scouts worked with Borough officials and community leaders and solicited donated supplies from Home Depot; and

WHEREAS, the Scouts built the tiny food pantry and located it in front of the Flemington Presbyterian Church Parish House on East Main Street, where it is always open and available; and

WHEREAS, members of Troop 80531, including Jillian Bellotti, Torrance Drulis, Archer Hughes, Rebecca Jacob, Aubri Johnson, Caly Johnson, Sarah Jurema, Sandee Melitski, Charlotte Persche and Noelle Polhemus, with troop leaders Vanessa Jurema, Caitlin Ryan Persche and Steve Persche, will continue to monitor and restock the pantry as needed, using donations from the troop’s food drive;

NOW, THEREFORE, BE IT PROCLAIMED that I, Betsy Driver, Mayor of the Borough of Flemington, recognize the members of Troop 80531 for their exemplary service to the Borough of Flemington, and declare members of the troop to be outstanding and honorable citizens.

Proclaimed: June 28, 2021

Betsy Driver, Mayor

Attest: _____

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-137

DOC ID: 3527

**Executive Session to Obtain Legal Advice Regarding
Renewal of the Comcast Cable Franchise**

WHEREAS, the Common Council of the Borough of Flemington desires to obtain legal advice regarding the potential renewal of the Comcast cable franchise in the Borough; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7), which cites:

pending or anticipated litigation or contract negotiation other than in subsection B. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, the minutes of said discussion will be made available as soon as it is deemed in the public's interest to do so; and

WHEREAS, the Borough Council may take official action on the items discussed in executive session upon completion of the executive session;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-stated purpose.

Adopted: April 26, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-138

DOC ID: 3523

Supporting the Application of the Hunterdon County Chamber of Commerce Foundation, Seeking Grant Funding for the Community Navigator Pilot Program

WHEREAS, the U.S. Small Business Administration Office of Entrepreneurial Development has issued a Notice of Funding Opportunity, authorizing grants to support the Community Navigator Pilot Project FY2021; and

WHEREAS, the mission of the Office of Entrepreneurial Development is to help small businesses start, grow, and compete in global markets by providing quality training, counseling, and access to resources; and

WHEREAS, the Hunterdon County Chamber of Commerce Foundation will be submitting a grant application to help small businesses receive additional support and access to programs that can help them address issues caused by the COVID-19 pandemic; and

WHEREAS, the Hunterdon County Chamber of Commerce Foundation, if awarded, will strengthen outreach to underserved businesses by partnering with organizations to provide technical assistance and recovery services to small businesses and entrepreneurs in Hunterdon County; and

WHEREAS, the Council and the Mayor of Flemington Borough authorize the support of the application of the Hunterdon County Chamber of Commerce Foundation;

NOW THEREFORE BE IT RESOLVED that the Council and Mayor of the Borough of Flemington hereby endorse and support the application of the Hunterdon County Chamber of Commerce Foundation, seeking grant funding for the Community Navigator Pilot Program.

Adopted: June 28, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-139

DOC ID: 3524

**Approving a Memorandum of Understanding with the
Hunterdon County Vocational School District for a Heavy
Equipment Program**

WHEREAS, a Memorandum of Understanding between the Hunterdon County Vocational School District (HCVSD) and the Borough of Flemington has been proposed regarding the Borough of Flemington's lot located adjacent to HCVSD's Central campus; and

WHEREAS, the sole purpose of this Memorandum of Understanding is to permit HCVSD's Heavy Equipment Operator program to use the lot for students to practice their skills using heavy equipment such as backhoes, excavators, bulldozers, etc.; and

WHEREAS, the HCVSD will provide supervision of students by a NJDOE-certificated vocational instructor in the area of Heavy Equipment Operator while practicing their operating skills at the Borough of Flemington's lot at all times; and

WHEREAS, HCVSD will provide a certificate of insurance that covers HCVSD's students and staff while on the Borough of Flemington's property; and

WHEREAS, the Borough of Flemington will allow access to the lot adjacent to HCVSD as needed to implement the curriculum for the Heavy Equipment Operator program with 24-hour notice by HCVSD prior to use.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington agrees it is in the best interest of all concerned to enter into this Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Common Council of the Borough of Flemington authorizes the Mayor to sign the attached Memorandum of Understanding.

Adopted: June 28, 2021

Attest:

Betsy Driver, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-140

DOC ID: 3526

Declaring Juneteenth a Flemington Borough Holiday

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on September 22, 1862, declaring "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;" and

WHEREAS, President Lincoln's Emancipation Proclamation became effective on January 1, 1863, thereby freeing slaves throughout much of the United States of America; and,

WHEREAS, Union General Gordon Granger was dispatched to Galveston, Texas to announce the surrender of Confederate General Robert E. Lee and on June 19, 1865 declared the freedom of slaves still held in the State of Texas; and

WHEREAS, Juneteenth, also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, has been celebrated by the African-American community since 1866 and since that time has become widely recognized as an important day of commemoration and for honoring the history and contributions of African-Americans; and

WHEREAS, in September 2020, the New Jersey Legislature enacted Bill S19, which declares Juneteenth to be an official state holiday in New Jersey, and is celebrated on the third Friday in June; and

WHEREAS, on June 17, 2021, President Joe Biden signed a bill declaring Juneteenth a federal holiday; and

WHEREAS, while Juneteenth is a declared paid holiday for state and federal employees, there is no mandate that it be a paid holiday for local government employees; and

WHEREAS, the Borough Council believes that it is appropriate to declare Juneteenth to be a paid holiday for its employees so that they can celebrate Juneteenth with their families and reflect upon the sacrifices made by America's enslaved persons and their descendants in the continuous quest for human freedom and dignity; and

WHEREAS, the Borough Council calls upon its employees and the community at large to use Juneteenth as a day of service to benefit our fellow citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington declare Juneteenth to be an official holiday in the Borough of Flemington; and

BE IT FURTHER RESOLVED, that, beginning in 2022, the third Friday in June of each year shall be a paid holiday for Borough employees; and

BE IT FURTHER RESOLVED, that Borough employees normally required to report to work on a declared Borough holiday shall do so on the third Friday in June of each year in accordance with Borough policy and any applicable collective negotiations agreements; and,

BE IT FURTHER RESOLVED, that the Borough's declaration that Juneteenth is a paid holiday for Borough employees shall not be deemed to create a past practice for purposes of its collective negotiation agreements and the extension of Juneteenth as a paid holiday for unionized employees shall be subject to the execution of a negotiated side letter agreement.

BE IT FURTHER RESOLVED, that the Borough's Labor Attorney is authorized to update the Borough Personnel Manual consistent with this Resolution and to draft side letter agreements with unionized employees consistent with this Resolution.

Adopted: June 28, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-141

DOC ID: 3515

Authorizing Flemington's Continued Participation in the State Local Cooperative Housing Inspection Program (SLCHIP) for Certain Multi-Family Dwellings for the Period of July 1, 2021, through June 30, 2022

WHEREAS the Borough of Flemington has participated in New Jersey's State Local Cooperative Housing Inspection Program (SLCHIP) since approximately 2011, and

WHEREAS the agreement to participate in SLCHIP must be renewed from time to time, and

WHEREAS Flemington has been notified by the NJ Department of Community Affairs (DCA) that the agreement is due for renewal for the period of July 1, 2021, through June 30, 2022, and

WHEREAS Flemington considers its participation to be beneficial and its current renewal is recommended by the borough's fire official,

THEREFORE BE IT RESOLVED that the mayor is authorized to sign the attached letter from the NJ DCA to confirm Flemington's continued participation in the SLCHIP program for the period of July 1, 2021, through June 30, 2022.

Adopted: June 28, 2021

Betsy Driver, Mayor

Attest:

Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2021-15

DOC ID: 3522

**Second Reading: An Ordinance Amending Section 2629 of
the Code of the Borough of Flemington Regarding Parking in
the Downtown Business (DB) District**

Borough of Flemington, Hunterdon County

WHEREAS, The Borough seeks to encourage occupancy of existing buildings in the Downtown Business District with active uses; and

WHEREAS, provision of adequate parking on small lots can serve as a barrier to occupancy of existing buildings; and

WHEREAS, Section 2629 of the code of the Borough of Flemington includes duplicative language in Subsection F that the Borough desires to eliminate; and

WHEREAS, the Council introduced this ordinance on June 14, 2021; and

WHEREAS, the Borough Planning Board has determined that the proposed amendments are consistent with the goals and objectives of the Borough's Master Plan Reexamination adopted on August 26, 2015; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-62.1, the Council held a public hearing on this ordinance on _____;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that Chapter 26 of the Code of the Borough of Flemington (the "Code"), entitled "Zoning," is hereby amended and supplemented as follows:

Section 1. Chapter 26 Zoning, Section 2629 Parking: Number of Spaces is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

A. Unchanged.

B. Unchanged.

C. ***For nonresidential developments, off street parking spaces shall be provided in accordance with the following and Chapter 26, Table 26.2 in this section.***

(1) *In the Downtown Business (DB) District, off-street parking shall not be required for uses occupying existing floor area in existence as of the date of adoption of this Ordinance and that meet the following criteria:*

- a. *The use is permitted in the DB district, excluding office uses (office uses are not subject to the exemption);*
- b. *The use does not require a variance relief pursuant to N.J.S.A. 40:55d-70d .*

D. Unchanged.

E. Unchanged.

F. When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided **on site or** in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

G. Shared Parking. Where an applicant persuasively demonstrates that 2 or more parking generators have complementary parking demand as demonstrated using accepted shared parking analyses, the approving authority may permit an appropriate reduction in the required total number of parking spaces.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 5. This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: June 14, 2021

Adopted: June 28, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-16

DOC ID: 3511

First Reading: An Ordinance to Amend Chapter 25 of the Code of the Borough of Flemington Entitled "Collection of Solid Waste"

Flemington Borough, Hunterdon County

WHEREAS, the Borough of Flemington, at its regular meeting of June 14, 2021 authorized the execution of a contract for solid waste collection; and

WHEREAS, the Borough of Flemington intends to revise the Solid Waste Collection Ordinance in a response to increases in solid waste and recycling collection, disposal, and processing costs and to be consistent with the current contract for solid waste collection.

NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY as follows:

SECTION 1. CHAPTER 25 OF THE CODE OF THE BOROUGH OF FLEMINGTON, ENTITLED, "COLLECTION OF SOLID WASTE" IS AMENDED AS FOLLOWS (additions are shown as *thus*; deletions are shown as ~~thus~~):

§ 25-1 INTENT AND PURPOSE. Unchanged.

§ 25-2 DEFINITIONS. Unchanged.

§ 25-3 COLLECTION DAYS ESTABLISHED.

- a. Waste collection shall be made from residents on Thursday of each week during the hours of 7:00 a.m. and 5:00 p.m., prevailing time. When a collection day falls on a federal holiday, collections will be made on the following day. In case of an emergency such as a hurricane, snowstorm or other act of God which prevents the collection on a collection day, collections will be made on the following day.
- b. Residents shall not place garbage curbside any earlier than 3:00 p.m. the day preceding the scheduled collection.
- c. ~~Totes Can(s) and bags~~ *Totes* have to be taken off the street no later than noon of the day after collection.

§ 25-4 WASTE RECEPTACLES.

- a. Residents and occupants shall place all waste *and recycling* to be collected in ~~receptacles~~

Flemington Borough provided Totes.

- b. ~~Residents and owners shall furnish the receptacles for the transportation of waste from dwelling units to the contractor's vehicles.~~ ***The Borough shall furnish 96-gallon Totes for the transportation of waste/recycling from dwelling units to the contractor's vehicles. No other cans, bags or resident-owned receptacles will be emptied.***
- c. ~~Receptacles for residents shall be (i) of metal or plastic, sufficiently strong for the intended purpose, equipped with close fitting lids and have a capacity of not more than 30 gallons, or (ii) plastic bags designed for use in the collection and disposal of waste with a capacity of not more than 30 gallons. A receptacle used by a resident when filled shall not weigh in excess of 25 pounds and be capable of being handled by one person;~~
- d. Receptacles for occupants ***of multi-family apartment buildings*** shall be dumpsters which shall be watertight, constructed of metal or plastic and equipped for handling by motorized equipment. The number of receptacles, size and placement for Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills and Regional Court Apartments shall be based on annual tonnage reports, needs of the occupants, limitations set forth by the owners of each individual complex and maximum allowable collection per the Borough of Flemington.

§ 25-5 PLACEMENT OF WASTE FOR COLLECTION.

- a. Waste to be collected from a resident shall be placed by such resident ***along curb line and not obstructed by parked vehicles, snow, brush, leaves etc. for automatic pick up by Borough contractor on his property within three feet of the curb or street line thereof,*** from 3:00 p.m. the day preceding collection. A resident shall remove their waste/***recycle receptacles-Totes*** and any other trash left behind no later than 12:00 noon the day following collection.
- b. Owners shall place receptacles ***Totes*** for the collection of waste/***recycling*** from occupants at such accessible locations ***for automatic pickup by Borough contractor*** within the multi-family complexes as directed by the sanitation commissioner of the Borough.
- c. ~~Residents shall place no more than ten cans and/or bags of garbage curbside for collection.~~ ***shall not place any other cans, bags or resident-owned Totes out for pickup.***
- d. Residents shall place no more than two bulk items curbside for collection ***on 4 days/year as designated by Borough Council.*** of Acceptable materials which are the following: bicycles, nonmetal furniture [dressers, chairs, tables, sofas, beds (except steel frame beds)]; carpeting

and matting (must be rolled and tied), lawn furniture, nonmetal toys, old doors, windows, screens, tools and mattresses (mattresses must be wrapped in plastic), glass tables and mirrors (must be covered in newspaper and taped to avoid breakage), single items from home repair (for example, a small vanity or single plumbing fixture). Items from construction renovations will not be collected.

- e. ***Bulk items shall have stickers attached that must be purchased by the resident from either the Borough or the borough contractor. No bulk items will be collected without a purchased sticker. Stickers are available for purchase by packets of four at \$40.00 per pack.***
- f. Tenants vacating a property and/or property owners ~~with an excess of 10 bags and two bulk items shall place Borough Tote and two bulk items out on designated pickup days~~ for curbside collection ***and*** must make arrangements with an outside contractor to have ~~the~~ additional ***bulk items or waste*** removed and they shall not place these additional items curbside for regular waste collection.]

§ 25-6 ALL WASTE TO BE COLLECTED BY CONTRACTORS.

- a. The Borough awards contracts to contractors for the collection of waste from residents and occupants.
- b. Residents shall dispose of all waste generated by them by placing same for collection by the residential contractor in the manner and at the time herein set forth. Residents ~~shall not may~~ dispose of waste through ~~any other waste collectors except the residential contractor, or~~ ***self-transport to the Hunterdon County Transfer Station.***
- c. Owners and occupants shall dispose of all waste generated by occupants by placing same for collection by the multi-family complex contractor in the manner and at the times herein set forth. Owners and occupants shall not dispose of waste through any waste collector except the multi-family complex contractor, provided, however, an owner of a multi-family complex may, upon ten days prior written notice to the Borough Clerk, terminate collections by the multi-family complex collector.
- d. Tenants vacating a property and/or property owners with an excess of ~~10 bags~~ ***waste or recycling that does not fit in the Borough provided Tote*** and ***an excess of*** two bulk items for curbside collection must make arrangements with an outside contractor to have the additional items removed and they shall not place these additional items curbside for regular waste collection.

§ 25-7 (RESERVED)

§ 25-8 (RESERVED)

§ 25-9 PROHIBITIONS. Unchanged.

§ 25-10 SEVERABILITY. Unchanged.

§ 25-11 PENALTY.

For violation of any provision, section or subsection of this chapter, the following shall be enforced by the property maintenance inspector or police for the following offense:

- a. \$50.00 penalty for placing garbage curbside before 3:00 p.m. on the day preceding scheduled pickup.
- b. \$25.00 penalty per can/bag over the ~~ten~~ allowed. *Borough provided Tote.*
- c. \$30.00 penalty per bulk item over two allowed. *The same penalty shall apply for any bulk items left on the curb on days other than the four days per year allotted for bulk pick up.*
- d. \$25.00 penalty for not taking ~~cans and bags~~ *the Borough- provided Tote* off the street by noon of the day after collection.
- e. When a tenant/occupant and/or property owner violates the maximum allowance of ~~10 bags~~ *1 Borough-provided Tote* and two bulk items placed curbside for collection, the property owner will be fined per the above penalties; a placard will be placed on the door of the dwelling and a letter will be sent overnight delivery instructing the property owner they have 24 hours from receipt of the notice to remove all of the remaining debris. Failure to remove within the twenty-four-hour period will result in a contractor selected by the Borough of Flemington to remove the debris and all costs will become a lien on the property.

§ 25-12 SEPARATE VIOLATIONS. Unchanged.

§ 25-13 RECYCLING AND SOLID WASTE.

§ 25-13.1 **Definitions.** Unchanged.

§ 25-13.2 **Municipal Recycling Coordinator.** Unchanged.

§ 25-13.3 **Source Separation.** Unchanged.

§ 25-13.4 **Residential Dwelling Compliance Requirement.** Unchanged.

§ 25-13.5 **Residential Dwelling Complexes Compliance Requirement.** Unchanged.

§ 25-13.6 **Nonresidential Establishment Compliance Requirements.** Unchanged.

§ 25-13.7 **New Developments of Multi-Family Residential Units and Commercial, Institutional, or Industrial Properties.** Unchanged.

§ 25-13.8 **Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.** Unchanged.

§ 25-13.9 **Solid Waste Transporter Requirements.** Unchanged.

§ 25-13.10 **Proof of Provision of Solid Waste and Recycling Collection Services.** Unchanged.

§ 25-13.11 **Enforcement.** Unchanged.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: June 28, 2021

Adopted: July 14, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk